

REMARKS

Claims 4, 7, and 9 have been amended to clarify the claimed subject matter. No new matter is added herewith. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

The specific changes to the specification and the amended claims are shown on a separate set of pages attached hereto and entitled **VERSION WITH MARKINGS TO SHOW CHANGES MADE**, which follows the signature page of this Amendment. On this set of pages, insertions are underlined and deletions are struck through.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 was rejected as a method claim dependent from a product claim. This ground of rejection is believed to be obviated by Applicants' amendment of claim 9 to depend from claim 8, which is a method claim dependent upon claim 7. This ground of rejection may now be properly withdrawn.

Rejections under 35 U.S.C. § 102

Claims 4-6 & 9-12 are rejected under 35 U.S.C. § 102(e) as anticipated by Shi, et al.

The Examiner asserts that Shi et al. teach immobilization of nucleic acids onto solid supports such as polystyrene plates or glass, that an immobilized solid support may be used in hybridization assays for detecting mutations and also oligonucleotides of various lengths.

This ground of rejection is believed to be overcome by Applicants' amendment. In the amended claims, the recited plastic includes neither polystyrene nor glass. Shi et al. are silent with regards to use of a substrate which is a plastic selected from the group consisting of polyethylene, polycarbonate, polypropylene, phenol resin, epoxy resin, polycarbodiimide resin, polyvinyl chloride, polyvinylidene fluoride, polyethylene fluoride, polyimide, and acrylate resin.

In view of Applicants' amendment, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 7 and 8 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Kawai et al.

The Examiner asserts that Kawai et al teach oligonucleotides immobilized onto polystyrene plates, fixing by UV irradiation, and binding of 56 base pair probes.

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This ground of rejection is believed to be overcome by Applicants' amendment. In the amended claims, the recited plastic does not include polystyrene. Kawai et al do not teach the use of any of the plastic materials recited in claim 7 as amended.

In view of Applicants' amendment, reconsideration and withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

Feb. 11, 2003

By:

Che S. Chereskin

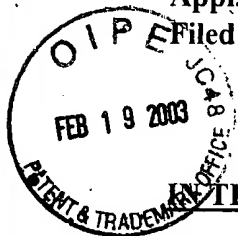
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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IN THE CLAIMS:

Claims 4, 7, and 9 have been amended as shown.

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4. (Twice Amended) A nucleic acid-immobilized substrate comprising a substrate and a nucleic acid immobilized on the substrate, wherein the substrate is a plastic selected from the group consisting of polyethylene, ~~polystyrene~~, polycarbonate, polypropylene, phenol resin, epoxy resin, polycarbodiimide resin, polyvinyl chloride, polyvinylidene fluoride, polyethylene fluoride, polyimide, and acrylate resin, and the nucleic acid has a polymer comprising a compound having an unsaturated bond, said polymer being bonded to the 3' end or 5' end or both ends of the nucleic acid.

7. (Twice Amended) A method for producing a nucleic acid-immobilized substrate, comprising bringing a substrate into contact with a nucleic acid, and irradiating a contact portion with an electromagnetic wave, wherein the substrate is a plastic selected from the group consisting of polyethylene, ~~polystyrene~~, polycarbonate, polypropylene, phenol resin, epoxy resin, polycarbodiimide resin, polyvinyl chloride, polyvinylidene fluoride, polyethylene fluoride, polyimide, and acrylate resin, and the nucleic acid has a polymer comprising a compound having an unsaturated bond, said polymer being bonded to the 3' end or 5' end or both ends of the nucleic acid.

9. (Twice Amended) A method according to claim 58, wherein a monomer which constitutes the polymer is a nucleotide.

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